

Remarks

Applicants affirm the provisional election, with traverse, of group I, claims 1-14. The examiner is requested to hold the non-elected claims in abeyance pending the filing of one or more divisional applications.

In the Office action dated June 21, 2005, claims 1-14 were rejected. In response to the Office action claims 1-6 are amended. Upon entry of this Amendment, claims 1-8, 10-12, and 14 are pending and under consideration in the present application, claims 15-19 having been withdrawn from consideration by the examiner and claims 9 and 13 having been canceled by this amendment. Applicants respectfully submit that no new matter has been added by way of this Amendment.

Claims 1-8, 10-12, and 14 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to better define the invention. Reconsideration and withdrawal of this rejection is requested.

Applicants traverse the rejection of claims 1, 3, 5-11, and 13 under 35 U.S.C. §102(b) as anticipated by one or both of U.S. Patent No. 6,361,213, to Randall, and U.S. Patent No. 5,947,603, to Tilman. Applicants further traverse the rejection of claims 1-3, 5, 11, 13, and 14 under 35 U.S.C. §102(e) as anticipated by one or both of U.S. Patent No. 6,854,887, to Anderson, and U.S. Patent No. 6,846,107, to Sweeney et al.

Claim 1, and claims 2-8, 10-12, and 14 directly or indirectly dependent thereon, as amended, recite a reclosable pouch comprising a closure assembly secured to pouch walls and a slider movable on the closure assembly between open and closed positions. The pouch further includes an end stop distinct from the slider and having at least a portion disposed at an end of the closure assembly. The end stop includes a first portion secured to the pouch adjacent the closure assembly and a second portion extending from the first portion wherein the second portion is deflected into secure engagement with the pouch. The second portion is adapted to interfere with movement of the slider.

In the cited references, there is no disclosure or suggestion of an endstop distinct from a slider and/or an endstop having a first portion secured to a pouch adjacent a closure assembly and a second portion extending from the first portion wherein the second portion is

deflected into secure engagement with the pouch, and wherein the second portion is adapted to interfere with movement of the slider, as recited by the claims at issue.

In fact, Randall teaches a slider including a manually releasable locking element comprising a pivotally mounted loop of material. The loop of material may be pivoted downward and looped around an end of a reclosable bag to prevent the slider from moving away from that end without upwardly pivoting and releasing the locking element. There is no teaching or suggestion of an endstop distinct from a slider. Further, nowhere in Randall is an endstop disclosed or suggested that includes a first portion secured to the pouch adjacent the closure assembly and a second portion extending from the first portion wherein the second portion is deflected into secure engagement with the pouch.

Tilman discloses a closure mechanism having a first closure profile and a second closure profile. A slider device is provided to open a package when slid along the closure mechanism in one direction and close the package when slid along the closure mechanism in the opposite direction. A slider housing extends from a side of the package and is designed to receive the slider. When the package is opened, the slider device is slid into the slider housing to allow access to the contents of the package across the entire width of a mouth of the package. Tilman does not disclose or suggest an endstop having a first portion secured to a pouch adjacent a closure assembly and a second portion extending from the first portion wherein the second portion is deflected into secure engagement with the pouch and wherein the second portion is adapted to interfere with movement of the slider.

Anderson discloses a reclosable bag having a zippered closure secured to bag walls and a slider seated on the zippered closure and movable thereon. The slider includes an arm extending from an edge of the slider and having an enlargement at a distal end thereof. The enlargement separates profiles of the zippered closure when the slider is moved in an opening direction. When the slider is moved in the opposite direction and to a closing end of the bag, the enlargement is securable in an opening located above a top edge of the zippered closure. The bag further includes a seal at an opening end thereof. When the slider is moved to the opening end, it rests atop the seal. There is no disclosure or suggestion in Anderson of an endstop distinct from a slider and having a second portion deflected into secure engagement with a pouch, wherein the second portion is adapted to interfere with movement of the slider.

Sweeney et al. specifies a bag having first and second interlocking zippered profiles and a slider mounted on the bag and movable in opening and closing directions. The bag further includes a glue drop located at each end of the bag and extending perpendicularly therefrom an extent sufficient to halt the movement of the slider. There is no disclosure or suggestion in Sweeney et al. of an endstop having a first portion secured to a pouch adjacent a closure assembly and a second portion extending from the first portion wherein the second portion is deflected into secure engagement with the pouch and wherein the second portion is adapted to interfere with movement of the slider.

Anticipation requires that the identical invention be shown in a single art reference in as complete detail as is contained in the claim. Therefore, the single art reference must disclose each and every element of the claimed invention as arranged in the claim. *See*, MPEP §2131. Nowhere in the cited references is an endstop disclosed that is distinct from a slider and/or having a first portion secured to a pouch adjacent a closure assembly and a second portion extending from the first portion wherein the second portion is deflected into secure engagement with the pouch and wherein the second portion is adapted to interfere with movement of the slider, as specified by claims 1-8, 10-12, and 14. Because the cited references do not disclose each of the elements as arranged by the claims at issue, it follows that such claims are not anticipated thereby.

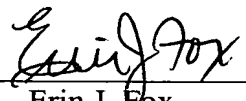
Furthermore, each of claims 2-8, 10-12, and 14 depend directly or indirectly from claim 1. As a result, each of claims 2-8, 10-12, and 14 is allowable for, at least, the reason discussed with regard to claim 1. As a result, each of claims 1-8, 10-12, and 14 is allowable over Randall, Tilman, Anderson, and Sweeney et al.

Appl. No. 10/755,631
Amdt. dated September 20, 2005
Reply to O.A. of June 21, 2005

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims at issue and reconsideration thereof are respectfully requested.

Respectfully submitted,

McCracken & Frank LLP

By: 
Erin J. Fox
Reg. No. 52,261

Date: September 20, 2005

200 W. Adams
Suite 2150
Chicago, IL 60606
Telephone: (312) 263-4700
Facsimile: (312) 263-3990
Customer No. 29471